

REMARKS

Status of Claims

Claims 1-4, 6-15 and 17-24 remain for examination.

Drawings

The examiner has indicated that the substitute drawings submitted in the prior Office Action are not acceptable because the fax copy is illegible on the pages. Applicant does not understand the examiner's remarks, as the drawings were not faxed to the PTO but rather mailed and thus, the examiner's comments are not understood. However, in the interest of expediting prosecution, applicant is again submitting replacement sheets for figure 5A, 5B and figure 8. If the examiner has any difficulty in connection with these drawings he is requested to telephone the undersigned so that an expeditious resolution of this matter may be undertaken.

Prior Art Rejection

Claims 1-4, 8, 11-15, 19 and 22-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Honda (5,970,084). Moreover, claims 6, 7, 17 and 18 stand rejected under 35 U.S.C. § 103 as unpatentable over Honda in view of Ishikura (5,239,684).

The examiner's rejections are respectfully traversed.

At the heart of the examiner's rejection is the assertion that Honda discloses the last paragraph of applicant's recited claim 1 and in particular the lake circuit includes a level judgment circuit for executing electric field judgment according to the correlated received signal from the finger circuit and a predetermined threshold level, an operation of at least one finger circuit element being suspended for a fixed, predetermined time period according to the result of the level judgment.

The examiner points to column 5, line 34 through column 7, line 12 of Honda and states in connection with figure 2 that step 3 through step 8 have a fixed and predetermined time period for the CPU.

It is clear, however, that the equations of step 3 and step 4 may or may not be satisfied. There is a loop condition at step 4 every time the result of the inequality is a yes (Y). The length of time the program remains in the loop is certainly not a fixed, predetermined time period but depends on the values of the measured power and thus would naturally change as the measured power P3 changes. Further, the inequality in step 3 may or may not be satisfied. Indeed, if it is satisfied on the first pass (a yes) it may not be satisfied on the second pass resulting in a "no." As such, the number of times step S3 is calculated depends on the relative values of the power P2, P3 and the total power Ps. Thus, assuming that finger 4 is turned off in step 2, the condition for turning on finger 4 in step 6 is not fixed and predetermined since it depends on the number of loops necessary in order for the inequality in step 3 to result in a "no" answer. Similarly, if finger 9 is the finger which is turned off, then finger 9 is turned off in step 5 but is only turned on in step 8. However, to get from step 5 to step 8 requires passing through step 4 which again is an inequality and may sometimes be satisfied and other times may not. Thus, the number of loops through step 4 is variable depending upon the values within the equation. Thus, finger 9 is likewise not turned off for a fixed, predetermined period of time.

As may be seen from the above, Honda does not in fact teach the proposition which the examiner has sought to apply and thus the Honda reference does not anticipate applicant's invention. In order for a reference to anticipate a claim, the reference must disclose each and every claim limitation. This is certainly not the case here and thus the § 102 rejection must be withdrawn.

Limitations similar to those found in applicant's second paragraph of claim 1 are found in all of applicant's independent claims. Thus, the § 102 rejection must be withdrawn as to all of applicant's independent claims.

Moreover, the rejection of the dependent claims as well as the § 103 rejection must be withdrawn since the primary reference has a fatal defect as explained above. As such, the Patent and Trademark Office has not made out a prima facie case of obviousness under the provisions of 35 U.S.C. § 103 as to rejected claims 6, 7, 17 and 18.

It is submitted that all of applicant's dependent claims are patentable at least for the same reasons indicated above with regard to the independent claims from which they depend.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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